

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**THE TRAVELERS INDEMNITY
COMPANY, as subrogee of Wiley
Sanders Truck Lines,**

Plaintiff,

CASE NO. 2:06cv00924-WKW

V.

**CST INDUSTRIES, INC., d/b/a
COLUMBIAN TECTANK™, et al.,**

Defendants.

**JOINT MOTION OF THE PARTIES
TO AMEND UNIFORM SCHEDULING ORDER**

Come now the parties, by and through their undersigned counsel of record, and hereby move this Honorable Court to amend its Uniform Scheduling Order entered on November 15, 2006, to reflect certain discovery deadlines proposed by the parties in their Report of Parties Planning Meeting. Specifically, the parties would request the Court's entered deadlines in Sections 7 and 8 of its Uniform Scheduling Order to be modified as follows:

1. The parties would request Section 7 of the Uniform Scheduling Order, pertaining to discovery completion dates, be amended to provide for discovery completion on or before September 1, 2007, rather than the scheduled date of December 21, 2007, presently contained in the Court's Uniform Scheduling Order. The reason for this request is the desire of the parties to have discovery completed well in advance of the dispositive motion deadline of October 5, 2007. The parties would respectfully request discovery to be ordered completed prior to the Court's deadlines for the filing of dispositive motions and mediation.

2. The parties would respectfully request Section 8 of the Uniform Scheduling Order, pertaining to providing expert reports as required by Rule 26(a) (2), *Federal Rules of Civil Procedure*, to be moved up from October 5, 2007 to March 30, 2007 for the Plaintiff, and from November 5, 2007 to June 1, 2007, for the Defendants. These earlier disclosure deadlines were requested by the parties in their Planning Meeting Report in order to provide adequate time for experts to be identified and deposed prior to the dispositive motion due date which the parties anticipated would be on or about the date set by the court in its Uniform Scheduling Order. As presently scheduled, dispositive motions are due on the same date as Plaintiff's expert disclosures, with Defendants' expert disclosures to follow after the date for filing dispositive motions. The presently scheduled deadlines for expert information would not allow such evidence to be included in dispositive motions and would require supplemental filings to incorporate expert evidence.
3. The amendments to the Uniform Scheduling Order requested herein by the parties will not effect trial or pretrial settings otherwise contained in the Uniform Scheduling Order, but will simply allow the parties to complete all discovery prior to filing dispositive motions and engaging in settlement discussions as required by Court order.

WHEREFORE, the parties respectfully requests this Honorable Court to amend its Uniform Scheduling Order to reflect the discovery cut-off dates requested herein.

s/Linda Hinson Ambrose
Linda Hinson Ambrose - ASB1753B38L

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